

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BADARA OUATTARA,

Plaintiff,

-against-

AMAZON.COM, INC., and AMAZON.COM
SERVICES, LLC,

Defendants.

Case No. 1:22-cv-01753 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

The Court is in receipt of a letter, dated October 26, 2022, filed by Defendants that is characterized as a letter motion to consolidate this case with a state court proceeding. ECF No. 27. In the letter, Defendants request “guidance from [the Court] as to how best to effectuate removal of the related State Court action . . . in anticipation of a filing a motion to consolidate” pursuant to Federal Rule of Civil Procedure 42(a). *Id.* at 1. This request for “guidance” seeks an advisory opinion about parties and a dispute not before this Court. *See In re Methyl Tertiary Butyl Ether (“MTBE”) Prod. Liab. Litig.*, 447 F. Supp. 2d 289, 295 (S.D.N.Y. 2006) (request for “guidance” appeared to be seeking advisory opinion). Federal courts cannot issue advisory opinions. *See, e.g., Golden v. Zwickler*, 394 U.S. 103, 108 (1969). Accordingly, Defendants’ request for guidance about how to remove a state court action is DENIED.

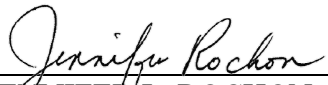
Insofar as Defendants’ letter seeks consolidation of this action with a pending state court action prior to the state court action’s removal, the Court notes that Federal Rule of Civil Procedure 42(a) permits a court to consolidate cases “[i]f actions *before the court* involve a common question of law or fact.” The state court action is not before this Court. Thus, Defendants’ request for consolidation is DENIED.

The Clerk of Court is respectfully directed to terminate the motion pending at ECF No.

27.

Dated: October 26, 2022
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge